

REMARKS

Claims 1, 3-7 and 9-14 are pending. Claims 1 and 7 have been amended to incorporate the subject matter of claims 2 and 8, which have been canceled. Claims 13 and 14 have been newly added. No new matter has been presented, nor is any new issue raised by this amendment.

Claims 13 and 14 correspond to claims 1 and 7, respectively, modified to recite an ADF rather than an optional paper discharge device. Support for this amendment can be found at pg. 13, line 12, of the specification.

Claims 1-12 are rejected under 35 USC 103(a) as being unpatentable over Namikawa, U.S. Patent No. 6,094,698 in view of Tanimoto, Japanese Patent Publication No. JP410213997A, and Oizumi, U.S. Patent No. 5,588,012. This rejection is respectfully traversed.

Independent claims 1 and 7 recite the feature of “writing data that indicates transfer is proceeding onto the second storage medium when transfer of the control program is started, and writing data that indicates transfer is not proceeding onto the second storage medium when transfer of the control program is normally completed.” According to the features of claims 1 and 7, the claimed system can determine whether transfer of the control program is proceeding, and thus the supply of power can be controlled to avoid any malfunction. Applicants submit that the cited art of record fails to teach or suggest this feature.

The Examiner asserts that Namikawa teaches a write device for writing data that indicates transfer is proceeding onto the second storage medium when transfer of the control program is started, and writing data that indicates transfer is not proceeding onto the second storage medium when transfer of the control program is normally completed at col. 5, line 1 to col. 6, line 10. Applicants respectfully submit that this portion of Namikawa does not disclose the claimed write device.

Applicants submit that Namikawa actually discloses, at col. 8, lines 24-63, that a “0” is written into the status area “such that the completion of data writing into the data area of the

download area 25b can be noticed" (col. 8, lines 44-47). Namikawa also discloses that a "1" is written when data may be written. However, Namikawa never writes data that indicates that the transfer is proceeding, as claimed. It is completely different to write a status that indicates that the data writing is completed or to write a status that indicates that data *may* be written than to write a data entry that indicates that a transfer is proceeding. Although one may be able to divine from Namikawa that a change from a "1" to a "0" may indicate that a transfer took place, there is never any indication that a transfer is currently taking place, and this is what is being claimed.

Accordingly, Namikawa fails to teach that for which it is relied. Likewise, Tanimoto and Oizumi fail to teach or suggest this claimed feature.

The remaining claims are allowable at least due to their respective dependencies.


Applicants request that this rejection be withdrawn.

New claims 13 and 14 are allowable for the same reasons claims 1 and 7 are allowable.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 325772022500.

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Respectfully submitted,

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